REMARKS

Claims 1-20 are all the claims presently pending in the application. New claims 17-20 are added.

It is noted that Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-16 stand rejected upon informalities (e.g., 35 U.S.C. 112, second paragraph). Claims 1-10 and 12-16 stand rejected under 35 U.S.C. 102(e) as being anticipated by Carpenter (U.S. Patent No. 6,067,603). Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter, in view of Jhang, et al. (U.S. Patent No. 6,253,292).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to a data access method used in a network system having several node devices connected for communications configured so that each node device can execute certain processing by accessing memories in the several node devices or cache memories at a higher access speed.

The method includes, in each node device, executing a speculative access to the memories in the system while reading out, from a tag memory, a tag information as information related to a data storage status in the cache memories provided in the system. Thereinafter, it is decided whether or not to abolish the data acquired from the memories by the speculative access according to the tag information read out. The tag information

indicates a data storage status being one of three possible states, including: 1) data is not found in any of said node devices; 2) data is found in more than one of said node devices; and 3) data is found in only one mode device.

The conventional method described beginning at line 11 of page 1 of the specification, suffers lower performance because of its lack of a method to control access to data stored in the common memory.

The claimed invention, on the other hand, provides a method of controlling access to the common memory in which the request for the data is being processed at the same time as it is being checked whether the data is currently being used by one or more processors.

II. THE 35 USC §112, SECOND PARAGRAPH REJECTION

Claims 1-16 stand rejected under 35 U.S.C. §112, second paragraph. Applicant believes that the above claim amendments properly address and overcome this rejection.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. THE PRIOR ART REJECTIONS

The Examiner alleges that Carpenter anticipates the claimed invention defined by claims 1-10 and 12-16 and, when modified in accordance with Jhang, renders obvious the invention defined in claim 11. Applicant submits, however, that, in spite of arguable similarities, there are elements of the claimed invention which are neither taught nor suggested by Carpenter.

Specifically, the technique described in Table VI in columns 7-8 of Carpenter

show the information states of the coherence directory 50 that the Examiner alleges corresponds to the tag memory 310 of the present invention. This table clearly shows that the claimed invention has been implemented in one or more details that provide non-obvious distinction from Carpenter.

Hence, turning to the clear language of the claims, in Carpenter there is no teaching or suggestion of: "... wherein said tag information indicates a data storage status comprising one of three possible states, including: 1) data is not found in any of said node devices; 2) data is found in more than one of said node devices; and 3) data is found in only one mode device", as required by the independent claims.

The Examiner relies upon Jhang to demonstrate that it would be obvious to modify Carpenter to provide a tag memory in the communication mechanism. Applicant submits that the motivation to modify Carpenter in the rejection currently of record would not be a reasonable motivation unless the Examiner is able to demonstrate technically that the benefit alleged to be provided by the modification (e.g., "... to facilitate data transfer between devices and maintain system coherency....") is not already present in Carpenter.

The Examiner's analysis seems to overlook that Carpenter already has these features and there is no need to modify a perfectly-performing system to provide one or more features already present in that system. Therefore, Applicant submits that the rejection currently of record fails to meet the initial burden of providing a reasonable justification to modify Carpenter for the description of claim 11.

IV. FORMAL MATTERS AND CONCLUSION

Applicant requests that the Examiner acknowledge formally on the record the receipt of certified copies of the priority document. The Office Action Summary page

contains items 12 and 12a as checked off, but fails to check off item 12a)1. to complete the positive identification that the certified copy has been received. Applicant requests that the Examiner formally indicate this receipt on the record in the next Office Action.

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 12/29/04

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